

Municipal Clerk
Atlanta, Georgia

Z-00-25

AN ORDINANCE BY COUNCILMEMBER CLAIR MULLER AS SUBSTITUTED AND AMENDED BY THE ZONING COMMITTEE

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY CREATING A NEW CHAPTER TO BE ENTITLED CHAPTER 32. NC (NEIGHBORHOOD COMMERCIAL) DISTRICT REGULATIONS AND TO AMEND CHAPTER 28A.0010 BY ADDING A NEW SUBSECTION (35) NC (NEIGHBORHOOD COMMERCIAL) DISTRICT, AND FOR OTHER PURPOSES.

WHEREAS, neighborhood commercial districts should provide adjacent neighborhoods with pedestrian accessibility to retail goods and services; and

WHEREAS, many neighborhood commercial areas suffer from uses and activities that are not conducive to building nor supporting neighborhoods' quality of life; and

WHEREAS, many neighborhood commercial areas lack the quality of sidewalks and pedestrian amenities that support their linkages with nearby residential neighborhoods; and

WHEREAS, historic neighborhood commercial areas should be preserved; and

WHEREAS, existing neighborhood commercial areas should be protected from encroachment of automobile-oriented large uses; and

WHEREAS, new attractive, neighborhood-serving commercial districts should be created for existing underserved neighborhoods; and

WHEREAS, the City Sign Ordinance should be amended to include regulations for the NC (Neighborhood Commercial) District.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended by adding a new Chapter 32. NC (Neighborhood Commercial) District Regulations, which shall read as shown on the attached "Exhibit A".

Section 2: That Chapter 16-28A.010 of the City of Atlanta Municipal Code, the Sign Ordinance, be amended by adding a new subsection (35) to read as follows:

- (35) NC (Neighborhood Commercial) District: The regulations for the NC District shall be the same as the regulations in Subsection (5) C-1 (Community Business District), provided that;
- a. No freestanding signs shall be permitted.
 - b. No shopping center signs shall be permitted.

Section 3: That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

CHAPTER 32. NC NEIGHBORHOOD COMMERCIAL DISTRICT REGULATIONS

Section 16-32.001. Authority.

This chapter is enacted pursuant to the City of Atlanta's exclusive zoning and planning authority granted by the Constitution of the State of Georgia, including but not limited to the article 9, section 2, paragraph 3 and article 9 section 2, paragraph 4, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A § 36-70-3, the City of Atlanta Charter, §§ 3-061 through 3-603, and Charter Appendix IV, §§ 41,42,45,48 and 70, as well as the general police powers of the City of Atlanta and such other authority as may be provided by applicable, state, federal and local laws.

The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are regulations which are applicable in those parts of the city designated as NC Neighborhood Commercial district. The passage of an ordinance approving the classification of an area of the city for NC Neighborhood Commercial zoning shall supplant the zoning classifications applicable to the area so designated.

Section 16-32.002. Findings, purpose and intent.

The City of Atlanta finds that the size, scale and character of commercial uses directly affects the adjacent neighborhoods and the public health, safety and welfare. The city finds that highway-oriented retail, service, office and dining uses which are intended to serve larger areas of the city instead of a single neighborhood or small group of neighborhoods leads to development pressure on the existing, developing and revitalizing neighborhoods and on the developing or existing historical neighborhood commercial development patterns connected therewith. The city finds there is a need to protect existing and developing neighborhood oriented commercial areas and building forms from the incompatible uses resulting from intense highway-oriented development and to preserve and restore existing, traditional and pedestrian scale buildings in established, historic neighborhood commercial districts, as well as create new pedestrian oriented commercial nodes. The city finds that there is a substantial need to encourage a balanced mix of uses to include proportionately significant residential uses and to facilitate safe, attractive and convenient pedestrian circulation. The city finds that it is necessary to improve air quality by promoting walking and reducing the number of vehicular trips. The city finds that it is necessary to establish adequate parking requirements by encouraging shared parking arrangements. The city finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations. The

purpose and intent of this chapter, in establishing the NC Neighborhood Commercial district, is as follows:

1. Protect existing neighborhood-oriented commercial areas from uses and building forms which are incompatible with the scale, character and needs of the adjacent neighborhoods;
2. Preserve and restore existing, traditional and pedestrian scale buildings in established, historic neighborhood commercial districts;
3. Create new commercial nodes, in areas so indicated in the Comprehensive Development Plan, which are pedestrian-oriented and provide uses which primarily serve adjacent neighborhoods;
4. Promote a balance of retail, service, office, dining and residential uses which serve the adjacent neighborhoods;
5. Place reasonable controls on the development of larger scale highway-oriented retail, service, office and dining uses which are intended to serve larger areas of the City than a single neighborhood or a small group of neighborhoods;
6. Alleviate development pressure on existing neighborhoods by placing reasonable controls on development and expansion of strip commercial areas within neighborhoods;
7. Facilitate safe, attractive and convenient pedestrian circulation and minimize conflicts between pedestrians and vehicles;
8. Encourage pedestrian flow through the design of mixed-use buildings with sidewalk level retail uses, which open directly onto sidewalks adjacent to public streets;
9. Improve pedestrian access within the district and to and from the surrounding neighborhoods;
10. Establish building façade lines and sidewalk requirements, and reserve the space between buildings and the street for pedestrian functions;
11. Encourage the rehabilitation or development of neighborhood commercial areas to include proportionately significant residential uses;
12. Minimize the use of adjacent neighborhood streets for commercial area parking by establishing adequate parking requirements and encouraging shared parking arrangements;
13. Promote a nodal form of neighborhood commercial development which is of such a size that all uses within the district are within a convenient walking distance of one another; and
14. Include all parcels within a neighborhood commercial area as part of the Neighborhood Commercial district.

**Section 16-32.002A. Size of neighborhood commercial districts;
Proximity to other neighborhood commercial
districts.**

The Neighborhood Commercial district shall have a maximum diameter of one-half (0.5) mile and shall be located at least one-quarter (0.25) mile from any other NC district except where such districts are separated by the street frontage of continuous residential zoning districts. The maximum diameter limitations shall be measured in the most direct line of travel on any street between the most distant property line of any two parcels in the NC district. The proximity to other neighborhoods shall be measured from any property line in an existing Neighborhood Commercial district to any property line in the NC district to be established by a direct line of travel on any street.

**Section 16-32.003. Nominations, recommendations and legislation
establishing boundaries: Specific regulations for
individual neighborhood commercial districts.**

A Neighborhood Commercial district shall be created by an ordinance which shall be submitted for approval of the Council after the completion of the procedures set forth in this chapter.

1. Nominations: Nominations may be initiated by City Council, the Director of the Bureau of Planning (the "Director") or a minimum of ten (10) percent of the total number of properties within the proposed district subject to the approval of the Director. Nominations by City Council shall be in the form of a resolution requesting the Director to prepare a recommendation. The nomination shall contain information and suggestions concerning the areas, buildings, and/or premises proposed for such regulations sufficient for the Bureau of Planning to prepare a recommendation. Nominations by property owner(s) shall be in the form of nomination applications to the Director on forms provided for such purpose and shall be deemed to be complete at such time as all supporting required documentation has been provided. No recommendation on a nomination will proceed without a complete application. When an application is complete, the Bureau of Planning shall prepare a recommendation to the Zoning Committee of the City Council.
2. Recommendation by the Bureau of Planning: Recommendations concerning the establishment of a Neighborhood Commercial district shall be prepared by the Bureau of Planning for review. Favorable recommendations shall include an ordinance legislating creation of the district. Each favorable recommendation and associated ordinance shall identify the proposed zoning by the NC prefix and a number generated by the Bureau of Planning identifying the particular district, for example NC-1. The identification may also include language

indicating the character or location of the district. Such ordinance shall proceed for City Council consideration in the same manner as any other rezoning ordinance.

The Recommendation of the Bureau of Planning (the "Recommendation") shall contain the following items which shall be transmitted to the Zoning Committee for its review. The Recommendation shall be prepared only for the purpose of assisting in the evaluation of the NC ordinance and shall not become a part of the Neighborhood Commercial district ordinance.

- a) Comment on proposed district boundaries: The recommendation shall include a map or maps indicating:
 - i. The boundaries of the Neighborhood Commercial district and any subareas established within the district for purposes of Neighborhood Commercial regulations.
 - ii. The location and zoning designation of districts or portions of districts, if any, to be supplanted by Neighborhood Commercial zoning.
 - b) Alternative size and distance exception approval: Where necessary, the Neighborhood Commercial district maximum diameter of one-half (0.5) mile may be increased. An increase may be authorized on a showing by the Bureau of Planning that the district size limitation would cause an otherwise suitable use to be excluded when it is located on a parcel which is only partially in the district if the one-half (0.5) mile limit is imposed.
 - c) Staff report: Each recommendation submitted to the council shall include a narrative staff report stating whether the Bureau of Planning supports the proposed nomination of the district for Neighborhood Commercial district designation, based upon whether the NC regulations are appropriate for the nominated area, and may include such additional information and suggestions on the area, buildings and premises under consideration.
3. Contents of the District Ordinance: Each ordinance creating a Neighborhood Commercial district shall contain the following:
- a) District boundaries: The ordinance shall include a map or maps indicating:
 - i. The boundaries of the Neighborhood Commercial district and any subareas established within the district for purposes of Neighborhood Commercial regulations.
 - ii. The location and zoning designation of districts or portions of districts, if any, to be supplanted by Neighborhood Commercial zoning. Upon passage of the ordinance creating the Neighborhood Commercial district, the boundaries of the district shall be shown on the official zoning maps of the city which are incorporated and made a part of this chapter.
 - b) Statement of Intent: Each Neighborhood Commercial district ordinance shall by this reference incorporate the statement of intent found in this chapter as well as any particularized statement of intent appropriate to the individual district being created.

- c) Incorporation of General Regulations: Each Neighborhood Commercial district shall specify that the general regulations found in this chapter are applicable to the district created.
- d) Listing of specific regulations for an individual district, limited to (f) below.
- e) The following specific type of regulations may be established for any NC district and such regulations shall be contained in the district ordinance in the order listed below:
 - i. Maximum parking requirements may be established.
 - ii. Permitted principal uses and structures and permitted accessory uses and structures may be identified and omitted.
 - iii. Uses permissible by special permit may be identified and omitted.
 - iv. A specific use may be limited in number by limiting the total number of such specific use or the maximum ratio of such use to the total number of all businesses in the district.
 - v. Buildings may be limited in height, beginning at a distance of three hundred (300) feet from the nearest single-family residential district.
 - vi. Maximum floor area of permitted uses may be reduced.
 - vii. Hours of operation of specific uses may be restricted.
 - viii. Minimum transitional side and rear yard widths may be reduced.
 - ix. Minimum block face lengths may be reduced.
 - x. Species of street trees may be specified.
 - xi. Sidewalk requirements and supplemental zone requirements may be varied to be in keeping with existing conditions, only on a block where fifty (50) percent or more of the buildings were built before 1950 (See Section 16-32.015(5), Relationship of building to street).

Any of the above regulations adopted for individual districts shall apply to such district as a whole. Subareas may be created within an individual district only for the purposes of varying sidewalk widths, supplemental zone widths and tree species from the district as a whole. Such subareas shall be a minimum size of an entire length of a street block face that lies within the district.

Section 16-32.004. Special administrative permit requirement for building permits: Effect on other special permit requirements.

Except as provided below, no building permit in any Neighborhood Commercial district shall be issued unless and until it has been approved through the issuance of a special administrative permit under the requirements so specified in Section 16-25.004, as meeting applicable requirements and intent as set forth for the district involved.

Where regulations may require the approval of a special administrative permit for other purposes so specified, processing by the Director of the Bureau of

Planning shall, without additional application, include consideration of other Special Administrative permits. Where such regulations require Special Exception or Special Use permit action, the Special Administrative permit for building permit purposes shall not be issued until the necessary approval has been obtained for Special Exception or Special Use permit.

Section 16-32.005. Permitted principal uses and structures.

A building or premise may be used for any of the following principal permitted uses, unless omitted or otherwise restricted in an individual district Section 16-32.003, Nominations, recommendations and legislation establishing boundaries; Specific regulations for individual neighborhood commercial districts above.

1. Multi-family dwellings.
2. Parking structures and lots within two hundred (200) feet of primary use.
3. Structures and uses required for operation of MARTA or a public utility but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary use.
4. Single-family dwellings in zero-lot-line subdivisions.
5. Two-family dwellings for existing structures.
6. All of the following uses shall not exceed two thousand (2,000) square feet of floor area:
 - a) Bakeries and catering establishments.
 - b) Laundry and dry cleaning collection stations, laundry and dry cleaning establishments where customers operate equipment.
 - c) Tailoring, custom dressmaking, millinery and similar establishments.
7. All of the following uses shall not exceed eight thousand (8,000) square feet of floor area:
 - a) Automobile service stations, but not providing regular automobile maintenance service, automobile repair shops or car washes.
 - b) Banks, savings and loan associations, and similar financial institutions but not including any drive-in service window. Automatic teller machines and night drops are permitted.
 - c) Barber shops, beauty shops, manicure shops and similar personal service establishments.
 - d) Childcare centers, kindergartens and special schools except where permitted by special use permit issued pursuant to Section 16-32.007.
 - e) Clubs and lodges.
 - f) Commercial recreation establishments, including theaters and other places of assembly and similar uses with primary activities conducted within fully enclosed buildings.
 - g) Grocery stores except where permitted by Section 16-32.005(8) below, or by special use permit issued pursuant to Section 16-32.007.

- h) Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.
 - i) Offices, studios, clinics (including veterinary if animals are kept within soundproof buildings), laboratories, and similar uses but not blood donor stations.
 - j) Professional or service establishments, but not hiring halls.
 - k) Restaurants, bars, coffee shops, delicatessens, and taverns.
 - l) Retail establishments except where permitted by special use permit issued pursuant to Section 16-32.007.
 - m) Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar household goods.
 - n) Telecommunication switchboards, power generators and other telecommunications relay equipment and rooms or floors housing them.
8. Grocery stores shall be permitted up to fifteen thousand (15,000) square feet in districts with ten (10) or more preexisting businesses.

Except for fuel dispensing services at gasoline service stations and outdoor dining, all commercial sales and service shall be conducted within completely enclosed buildings and there shall be no unenclosed displays of merchandise. Outdoor sales or displays are permissible only by special permit as set forth below.

No use or manner of operation shall be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television communication, or is otherwise incompatible with the character of the district and its relation to adjoining districts.

Pursuant to Section 16-28.016 adult businesses are not permitted uses in the district.

Section 16-32.006. Permitted accessory uses and structures.

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental and subordinate to permitted principal uses and structures. Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail within the district. No storage shall be provided in any portion of a building adjacent to any public sidewalk or public park or plaza.

Section 16-32.007. Special permits.

The following uses are permissible only by special permits subject to limitations and requirements set forth herein or elsewhere in this part, subject to the procedures and requirements set forth in Sections 16-18.005 and 16-25.004.

1. Special use permits:
 - a) Broadcasting towers and line-of-sight relay devices for telephonic, radio or television communications greater than seventy (70) feet in height, except alternative design mounting structures as contemplated by Section 16-25.002(3) h (iv)(i).
 - b) Buildings taller than the maximum height requirements at a distance of between one hundred and fifty (150) feet and three hundred (300) feet from a R-1 through R-G and PD-H classification boundary.
 - c) Commercial recreation uses including bowling alleys, poolrooms, billiard parlors, amusement arcades and game rooms.
 - d) Childcare centers, kindergartens and special schools greater than eight thousand (8,000) square feet.
 - e) Grocery stores between fifteen thousand (15,000) square feet and twenty-five thousand (25,000) square feet in floor area. Such grocery store establishments shall be located a minimum distance of two thousand (2,000) feet from any other such grocery store establishment as measured in a direct line between the closest point of the two buildings.
 - f) Group homes, family care homes and congregate care homes.
 - g) Hotels containing no more than thirty (30) rooms. Further, said hotels shall contain no more than five hundred (500) square feet of meeting facilities and no hotels shall be located nearer than five hundred (500) feet from the boundaries of any public elementary or secondary school.
 - h) Outdoor amusement enterprises, exhibits, entertainment, meetings, displays or sales areas, or outdoor areas for religious ceremonies of thirty (30) days or more duration.
 - i) Park-for-hire facilities.
 - j) Retail establishments between eight thousand (8,000) square feet and fifteen thousand (15,000) square feet in floor area. Such retail establishments shall be located a minimum distance of two thousand (2,000) feet from any other such retail establishment as measured in a direct line between the closest point of the two buildings.
 - k) Rooming houses.
 - l) Single room occupancy residence.
2. Special administrative permits: Outdoor amusement enterprises, exhibits, entertainment, music venues, meetings, displays or sales areas, or outdoor areas for religious ceremonies of less than ninety (90) days duration. Outdoor vending is permitted only when included with a special event permit.
3. Special exceptions:
 - a) Churches, synagogues, temples and other religious worship facilities.
 - b) Off-street required parking lots between two hundred (200) to five hundred (500) feet of primary use and within the same zoning district. An applicant shall submit written consent from property owner of the proposed off-site parking area. All parking spaces shall be clearly marked and signed as reserved during specified hours.

- c) Transitional yards reduced to zero (0) between this district and any multi-family residential district.

Sec. 16-32.008. Redevelopment requirements.

Any property wherein the principal building is removed or destroyed by any means shall be redeveloped in accordance with the requirements of this Chapter 32, and any paving or other accessory structural element within any required transitional yard shall be removed and buffers provided as required herein.

Section 16-32.009. Transitional uses and yards.

1. Adjoining Lot in Same Frontage: Where a lot in this district abuts a lot in any R-1 through R-G district at the side along the same street frontage, and without an intervening street, such lot within this district, or the first one hundred (100) feet on such lot if it is wider than one hundred (100) feet, shall not be used for any drive-in facility, car wash, service station, mortuary or funeral home, sales lot for automobiles, repair garage, or paint and body shop even where otherwise specifically authorized.
2. Transitional height planes: Where this district adjoins a district in R-1 through R-G and PD-H classification without an intervening street, height within the district shall be limited as follows: No portion of any structure shall protrude through a height limiting plane beginning thirty-five (35) feet above the buildable area boundary nearest to the common residential district boundary and extending inward over this district at an angle of forty-five (45) degrees.
3. Transitional yards:
 - a) Side and rear yards: Where this district adjoins a district in R-1 through R-G and PD-H classification without an intervening street, a minimum of twenty (20) feet is required which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of private alleys or drives up to ten (10) feet in width. Areas in such yards which are not used as private alleys or drives shall be planted as approved by the City Arborist and maintained as a landscaped buffer.
 - b) Screening: In addition to the above side and rear yard requirements, permanent opaque walls six (6) feet in height shall be provided and shall be maintained in slightly condition.
4. Fire code safety requirements: A building shall either be constructed on the lot line or shall be set back a minimum distance of five (5) feet from the lot line, except as required for a transitional yard.

Section 16-32.010. Minimum yard requirements.

1. Side yard:
 - a) Non-residential and mixed-use: None, except as required in Section 16.32.009.
 - b) Primarily residential (twenty percent or less non-residential): None when no windows are located along building façade adjacent to property line, otherwise twenty (20) feet.
2. Rear yard:
 - a) Non-residential and mixed-use: None, except as required in Section 16-32.009.
 - b) Primarily residential (twenty percent or less non-residential): None when no windows are located along building façade adjacent to property line, otherwise twenty (20) feet.

Section 16-32.011. Development controls.

The following development controls shall apply to all uses approved by special permits as well as permitted uses:

1. Bulk limitations:
 - a) For non-residential uses and lodging uses, floor area ratio (FAR) shall not exceed an amount equal to 1.50 times net lot area.
 - b) Multi-family dwellings shall be permitted up to the maximum floor area ratio (FAR) of 1.49 times gross lot area established for Residential General, Sector 4, as shown on Table 1, Section 16-08.007.
 - c) For mixed-uses, floor area ratio (FAR) shall not exceed 2.99 times net lot area [the sum of the non-residential (a) and residential (b) above], but in no event greater than the maximum ratios permitted for each.

See also Section 16-32.012, Site limitations for additional requirements.

2. Minimum lot width and area, all uses: No fixed minimum lot widths or areas are established for this district, except as follows:
 - a) Churches, synagogues, temples or other religious worship facilities: Minimum net lot area of one acre except by special exception.
 - b) Two-family dwellings: Minimum unit width of twenty (20) feet and minimum net lot area of two thousand (2,000) square feet, except as otherwise required for zero-lot-line subdivision for residential uses.
 - c) Zero-lot-line subdivision for residential uses (See Section 16-28.011(6)): Where side yard setbacks are zero (0), parcels shall have a minimum lot width of twenty (20) feet and minimum net lot area of two thousand (2,000) square feet.
3. Minimum Open Space Requirements:
 - a) Non-residential development:
 - i. Developments of less than one (1) acre: none.

- ii. Developments of greater than one (1) acre in area shall have a minimum public space requirement of five (5) percent for the non-residential component. The design and use of such public space shall be approved by the Director of the Bureau of Planning.
 - b) Residential: For primarily residential uses appropriate open space requirements as indicated for Residential General (Section 16-18.007) in Table I, "Land Use Intensity Ratios" shall be required for both Total Open Space Requirements (TOSR) and Useable Open Space Requirements (UOSR).
 - c) New public streets or streets which function as public streets connecting two other public streets, and which meet sidewalk requirements for the district subarea shall be counted towards Total Open Space Requirements (TOSR) and Useable Open Space Requirements (UOSR) or public space requirements.
 - d) Open space incentive for adding on-street parking: On-street parking shall be counted towards Total Open Space Requirements (TOSR) or public space requirements when the following criteria are met:
 - i. No on-street parking is currently provided.
 - ii. The on-street parking is located where there are no existing travel lanes.
 - iii. The development shall contain an entire block face or a minimum distance of two hundred (200) feet.
 - iv. Sidewalk bulbouts are provided at street intersections.
 - v. All other sidewalk requirements of this Chapter are met.
 - e) Reduction of residential open space requirements for buildings fifty (50) years or older may be permitted by the Director of the Bureau of Planning.
4. Relocation of open space: A property owner has the option to meet open space requirements by providing the equivalent square feet of open space on an offsite location within the Neighborhood Commercial district, subject to approval by the Director of the Bureau of Planning. The following criteria shall be met:
- a) The receiving parcel is in accordance with the City of Atlanta Comprehensive Development Plan as being a designated recipient parcel.
 - b) The open space in the receiving parcel shall be located and developed adjacent to and visible from a public street and accessible to the public during normal city park hours.
 - c) The open space shall include a minimum of twenty (20) percent pervious green space.
 - d) The open space in the receiving parcel shall provide active or passive recreational amenities.
 - e) Non-residential developments may provide up to eighty (80) percent of their public space requirements off-site.
 - f) Residential developments may provide up to sixty (60) percent of their Total Open Space (TOSR) requirements off-site and up to fifty (50) percent of their required Useable Open Space (USOR) off-site.

5. Telecommunication switchboards, power generators and other telecommunications relay equipment and rooms or floors housing them shall be limited to subterranean levels or second story above sidewalk level and higher.

Section 16-32.012. Site limitations.

1. Minimum building façade heights: Buildings shall have a minimum façade height of eighteen (18) feet along each façade visible from any public right-of-way.
2. Maximum building heights: Structures which are within one hundred-fifty (150) feet of a R-1 through R-G and PD-H classification boundary shall have a maximum height of thirty-five (35) feet. Structures that are between one hundred-fifty (150) feet and three hundred (300) feet from a R-1 through R-G and PD-H classification boundary shall have a maximum height of fifty-two (52) feet. Mezzanines and lofts shall be considered a story.
3. Transitional height planes: Where this district adjoins a district in R-1 through R-G classification without an intervening street, height within the district shall be limited as follows: No portion of any structure shall protrude through a height limiting plane beginning thirty-five (35) feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the non-residential district at an angle of forty-five (45) degrees.
4. New development containing an entire block face greater than six hundred (600) feet in length shall be traversed by new streets which create block faces no larger than four hundred (400) feet. Such streets shall function as public streets, shall connect two (2) other public streets and shall meet all other requirements of this Chapter.
5. Drive-thru services, windows and facilities are prohibited with the exception of fuel dispensing services.

Section 16-32.013. Sidewalks.

Public sidewalks shall be located along all public streets. No sidewalk shall be less than fifteen (15) feet in width, unless otherwise indicated in Section 16-32.003, Nominations, recommendations and legislation establishing boundaries; Specific regulations for individual neighborhood commercial districts. Sidewalks shall consist of two zones: a street furniture and tree planting zone which shall be located adjacent to the curb, and a clear zone. The following regulations shall apply to all public sidewalks:

1. The street furniture and tree planting zone shall have a minimum width of five (5) feet. The street furniture and tree planting zone shall be located adjacent to the curb and shall be continuous. Sidewalks shall have street furniture and tree planting zones paved and planted, in accordance with Section 16-32.013(3). In addition to the planting of trees as required in this section, this zone is also intended for the placement of street furniture including utility poles, waste

- receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public kiosks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility as approved by the City.
2. The clear zone shall be a minimum width of ten (10) feet, shall be hardscape and located adjacent to the street furniture and tree planting zone, and shall be unobstructed by any permanent or nonpermanent element for a minimum width of ten (10) feet and a minimum height of eight (8) feet.
 3. Street tree planting requirements: Street trees are required and shall be planted in the ground a maximum of forty feet (40) on center within the street furniture and tree planting zone and spaced equal distance between street lights. All newly planted trees shall be a minimum of four (4) inches in caliper measured thirty-six (36) inches above ground, shall be a minimum of twelve (12) feet in height, shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of seven (7) feet. Trees shall also have a minimum planting area of twenty-five (25) square feet. Where sidewalks meet the minimum requirements for this section, planting areas shall be permitted to be planted with evergreen ground cover such as mondo, spicata or ivy. All plantings, planting replacement and planting removal shall be approved by the City Arborist. Variations in street tree requirements may be granted by the Director of the Bureau of Planning subject to constraints such as overhead or underground utilities.
 4. No awning or canopy shall encroach more than a maximum of five (5) feet over the sidewalk.
 5. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede visibility within visibility triangles at street intersections between the heights of two and one-half (2.5) feet and eight (8) feet above grade. See Section 16.28.008, Visibility at Intersections.
 6. Pedestrian street lights, where installed, shall be placed a maximum distance of forty (40) feet on center, spaced equal distanced between required trees along all streets within either the street furniture and tree planting zone or the supplemental zone, and shall be the Atlanta decorative Type "C" streetlight.
 7. Where property within the district abuts an R, R-G or PD-H district without an intervening street, the sidewalk area within twenty (20) feet of such districts shall taper when necessary to provide a smooth transition to the existing R, R-G or PD-H districts sidewalk. In the event that the abutting R, R-G or PD-H district has no existing sidewalk the sidewalk shall taper to a width of six (6) feet, measured from the street curb, or as approved by the Director of the Bureau of Planning.
 8. Every effort shall be made to place utilities underground or to the rear of structures to allow for the unobstructed use of the sidewalks.
 9. Trash receptacles, where installed, shall be the Victor Stanley Model S-42 or similar looking standard trash receptacle and shall be placed within the street furniture and tree planting zone.

Section 16-32.014. Supplemental zone.

1. Any area between the street-fronting building façade line and the required sidewalk is a supplemental zone.
2. Supplemental zones:
 - a) Shall be permitted between the required sidewalk and the building façade.
 - b) Shall be required along arterial streets at a minimum width of five (5) feet, unless on-street parking is provided where there currently is none (Pursuant to Section 16-32.011(3)d, Development controls).
 - c) Shall not exceed a maximum width of fifteen (15) feet.
 - d) Shall be hardscaped.
3. The following elements may be located within the supplemental zone:
 - a) Accessory outdoor dining which may be separated from the sidewalk only with planters, shrubs or fencing which shall have a maximum height of thirty-six (36) inches.
 - b) Balconies, pedestrian walkways, porches, handicap ramps, stoops.
 - c) Terraces shall have a maximum finished floor height of twenty-four (24) inches above the sidewalk elevation and shall be surrounded by permanent safety fencing with a maximum height of forty-two (42) inches. See Section 16-29.001(25) b.
 - d) Landscaping and water features.
 - e) Lighting.
4. No balcony shall encroach a distance of greater than five (5) feet into the supplemental zone area.
5. Developments of greater than one (1) acre in area and adjacent to existing transit stops which have no shelters shall provide a shelter within the supplemental zone for a minimum of one (1) such stop. The design and location of such stop shall be approved by the Director of the Bureau of Planning.

Section 16-32.015. Relationship of building to street.

1. Delineation of building floors at third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
2. The primary pedestrian entrance to all uses and business establishments with sidewalk-level street frontage:
 - a) Shall face and be visible from the street.
 - b) Shall be directly accessible, visible and adjacent to the sidewalk, supplemental zone, pedestrian plaza, courtyard or outdoor dining area adjacent to such street.
 - c) Shall remain unlocked during normal business hours for non-residential uses.
 - d) Shall face and be visible to an arterial street when located adjacent to such arterial street.

3. Buildings shall provide continuous street-fronting sidewalk level commercial, office or residential uses.
4. Building façade line:
 - a) Arterial streets: Shall be no less than twenty (20) feet and no more than thirty (30) feet from the street curb, with the exception of the provision for public parks and plazas and the provision of on-street parking (Pursuant to Section 16-32.011(3)d, Development controls).
 - b) All other streets: Shall be no less than fifteen (15) feet and no more than thirty (30) feet from the street curb, with the exception of the provision for public parks and plazas.
5. A building façade line within a block where fifty (50) percent or more of the buildings were built before 1950 shall:
 - a) Have a distance from the street which is equal to the average width of the nearest two buildings which were built before 1950; or
 - b) Have a distance from the street which is equal to the nearest adjacent building built before 1950 and which is closest to a fifteen (15) foot building façade line.
6. A street address number shall be located above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six (6) inches in height.
7. Fenestration:
 - a) All street-fronting sidewalk level development, with the exception of churches and fire stations, shall provide fenestration for a minimum of seventy-five (75) percent of the length of the frontage, beginning at a point not more than three (3) feet above the public sidewalk, for a height no less than ten (10) feet above the sidewalk. Fenestration for commercial uses shall allow views into the interior or display windows and shall not have painted glass, reflective glass or other similarly treated fenestration.
 - b) Variations in fenestration requirements may be permitted by the Director of the Bureau of Planning:
 - i. Fenestration may be varied in keeping with the scale of the nearest commercial storefront built before 1950 in the same or adjacent blocks, which is closest to meeting the requirements above in Section 16-32.015(7)a.
 - ii. Fenestration may be varied where there are development constraints related to topography.
8. Sidewalk level development shall have a maximum length of ten (10) feet of façade without fenestration.
9. Fences and walls.
 - a) Fences:
 - i. No fences are permitted between the building and the sidewalk.
 - ii. Fences which are not located between the primary building and the sidewalk shall have a maximum height of six (6) feet.
 - b) Walls:

- i. No walls, except retaining walls, shall be located between a building and the sidewalk, with the exception of walls which screen loading areas and dumpsters, which shall have a maximum height of six (6) feet.
 - ii. Retaining walls located adjacent to a public right-of-way shall have a maximum height of two (2) feet and shall be faced with stone, brick or smooth stucco. In no case shall the combined height of a fence and retaining wall adjacent to a sidewalk be greater than five and one-half (5.5) feet. See Section 16-29.001(25) b. Retaining walls greater than two (2) feet in height between the building façade line and the street, where topography prohibits retaining walls of a lesser height may be permitted by the Director of the Bureau of Planning.
 - iii. Walls which are not located between the primary building and the sidewalk shall have a maximum height of six (6) feet.
10. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, outdoor dining area or public right-of-way.
11. Gasoline fuel dispenser structures, canopies or associated service area shall not be located between a building and the street. Fuel dispenser structures shall be limited to a maximum of four (4), with a maximum of eight (8) fueling position spaces.

Section 16-32.016. Signage.

Refer to Section 16-28A, Sign ordinance. All NC districts shall follow the requirements of Chapter 16-28A (the Sign ordinance of the City of Atlanta) which are applicable to a NC (Neighborhood Commercial) zoning district. The designation of property with NC status is not intended in any way to otherwise affect the application of the City of Atlanta Sign ordinance to any property contained in any NC district.

Section 16-32.017. Storefront illumination, and lighting.

1. Security, decorative, parking deck, service station canopy and other lighting adjacent to residential uses shall reduce light spillage onto residential properties by providing cutoff luminaires which have a maximum ninety (90) degree illumination.
2. Any security, decorative, parking deck, gasoline station canopy or other lighting luminaire shall be located a minimum height of eight (8) feet above the sidewalk, drive or pedestrian area.

Section 16-32.018. Loading areas, loading dock entrances and building mechanical and accessory features.

1. Loading areas:
 - a) General: Dumpsters and loading areas shall be screened so as not to be visible at a maximum of seven (7) feet above grade from any public plaza, outdoor dining area or public right-of way.
 - b) Residential: Dumpsters and loading areas shall be enclosed with opaque fences or walls six (6) feet in height at a maximum of seven (7) feet above grade.
2. Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.
3. Building mechanical and accessory features:
 - a) Shall be located to the side and rear of the principal structure and shall be in the least visible location from the public right-of-way. Screening with appropriate plant or fence materials shall be required if the equipment is visible from the public right-of-way.
 - b) When located on rooftops shall be incorporated in the design of the building and screened with building materials similar to the building.
 - c) Shall not be permitted between the building and any public street.

Section 16-32.019. Off street loading requirements.

See Chapter 28, Section 16-28.015, Table of loading requirements.

Section 16-32.020. Curb cuts and parking structures.

1. All sidewalk paving materials shall be continued across any intervening driveway.
2. Driveways shall have a five (5) feet wide band of textured concrete adjacent to the street and in-line with the street furniture zone.
3. Driveway and curb cut widths shall be a maximum of twenty-four (24) feet for two-way entrances and twelve (12) feet for one-way entrances.
4. Required driveways may be located outside the lot boundaries provided they are directly connected to a public street subject to approval by the Director of the Bureau of Planning.
5. No circular drives shall be located between any building and any public street with the exception of hotels.
6. Except as authorized above in this Section 16-32.020(5), parking areas or driveways, except for a driveway to reach the side or rear yard, or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street. Driveways located between the sidewalk and the building for childcare centers, kindergartens and special schools may be permitted by the Director of the Bureau of Planning.

7. Except as authorized above in this Section 16-32.020(5), no more than one (1) curb cut is permitted for each development with the exception of properties with more than one (1) front yard, which may have two (2) curb cuts. Two (2) curb cuts on properties with street frontage greater than three hundred (300) feet may be permitted by the Director of the Bureau of Planning.
8. Entrances to garages and carports that serve a single residential unit shall not be visible from the public right-of-way.
9. Parking deck façades shall conceal automobiles from visibility and shall have the appearance of a horizontal storied building.
10. Parking decks shall provide either continuous street-fronting, sidewalk level commercial, office or residential uses, or a minimum five (5) feet landscaped strip between the structure and the public sidewalk, except at ingress and egress points into the structure. The landscaped strip shall be planted with street trees spaced a maximum distance of twenty (20) feet on center, which shall also meet the tree requirements in Section 16-32.013(3). The landscape strip shall also be planted with evergreen ground cover such as mondo grass, liriope spicata or ivy. All plantings, planting replacement and planting removal shall be approved by the City Arborist.
11. Notwithstanding the provisions of Section 16-28.006(10), a common or joint driveway may be authorized by the Director of the Bureau of Planning when adjacent lots have direct vehicular access to a street.
12. All developments shall have walkways with a minimum width of four (4) feet provided along the edge of all sidewalk level parking and drive areas and shall be linked to the public sidewalks. See Section 16-32.022, Minimum landscaping for parking lots, and barrier requirements for additional requirements.
13. No drop-off lanes are permitted along public streets.

Section 16-32.021. Lighting, security and maintenance requirements for parking structures and surface parking lots.

All surface parking lots and structures, whether primary or accessory in use and whether commercial or noncommercial, shall have the following minimum requirements:

1. Lighting shall be provided throughout all parking facilities to equal a minimum of one-fifth (0.2) footcandle of light. A footcandle of light is a uniformly distributed flux of one (1) lumen on a surface of one (1) square foot in area. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it shall be the responsibility of the parking facility to independently provide these required levels of illumination.
2. Parking lots adjacent to residential buffer areas shall reduce light spillage onto residential properties by providing cutoff luminaires which have a maximum ninety (90) degree illumination.

3. Parking deck lighting fixtures at a maximum of seven (7) feet above grade shall not be visible from any public right-of-way.
4. Parking facilities shall be maintained in a clean, safe, sanitary and attractive condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the drivability of the parking lot. See Section 16-28.014 for additional requirements.

Section 16-32.022. Minimum landscaping for parking lots, and barrier requirements.

See City of Atlanta Code of Ordinances, Chapter 158 Vegetation, Article II Tree Protection, Section 30 Parking lot requirements, for applicable requirements. Parking lot requirements shall apply to all lots, regardless of size. In addition to these regulations, the following requirements shall apply:

1. All landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum mature height of thirty (30) inches.
2. All landscaped buffer strips along sidewalks and public rights of way shall have a minimum of one (1) tree with a minimum caliper of three and one-half (3.5) inches.
3. Variations in surface parking lot landscaping and barrier requirements may be permitted by the Director of the Bureau of Planning. Variations may be granted only upon making all of the following findings:
 - a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, subsurface conditions, overhead structures or the existence of sufficient trees in the public right-of-way within ten feet of the property line;
 - b) Such conditions are peculiar to the particular piece of property involved; and
 - c) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of Article II Tree Protection, Section 30 Parking lot requirements.

Section 16-32.023. Minimum off-street parking requirements.

1. The following parking requirements shall apply to all uses approved by special permits as well as permitted uses. (See also Sections 16-28.013 and 16-28.014). Off-street surface parking shall be located in the rear or side yards and shall not be located between the principal structure and the street.
 - a) *Banks and similar institutions*: One (1) space for each two hundred (200) square feet of floor area.
 - b) *Child care centers*: One (1) space for each six hundred (600) square feet of floor area; in addition to providing required off-street parking, such centers shall provide safe and convenient facilities for loading and unloading

children, as approved by the Director of the Bureau of Traffic and Transportation.

- c) *Schools, churches, religious worship facilities, recreational or community centers and other places of assembly*: One (1) space for each four (4) fixed seats with eighteen (18) inches of bench length counted as one (1) seat, or one (1) space for each thirty-five (35) square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater:
 - i. Public or private elementary or middle school: Two (2) spaces for each classroom.
 - ii. High school: Four (4) spaces for each classroom.
- d) *Clothing and tailor shops*: One (1) space for each two hundred (200) square feet of floor area.
- e) *Clubs, lodges*: One (1) space for each one hundred (100) square feet of floor area.
- f) *Commercial recreation uses including bowling alleys, poolrooms, billiard parlors, amusement arcades, game rooms and the like*: One (1) space for each one hundred (100) square feet of floor area.
- g) *Dwellings and lodgings*: See Section 16-08.007, Table 1, for required parking ratios according to the appropriate floor/area ratio.
- h) *Eating and drinking establishments*: One (1) space for each one hundred (100) square feet of floor area and one (1) space for each two hundred (200) square feet of outdoor dining area. Outdoor dining area less than or equal to twenty-five (25) percent of the enclosed floor area shall have no parking requirement.
- i) *Specific regulations for retail and eating and drinking establishments within five hundred (500) feet of a MARTA rail station entrance, as measured along public streets and pedestrian walkways*: Establishments with a floor area of five hundred (500) square feet or less shall have no parking requirements.
- j) *Hotels and motels*: One (1) space per rental unit plus one-half (0.5) space per employee.
- k) *Laundry and dry cleaning pick-up stations and coin operated laundromats*: One (1) space for each two hundred (200) square feet of floor area.
- l) *Retail establishments, including catering, delicatessen and bakeries, but not other uses as provided below*: One (1) space for each two hundred (200) square feet of floor area.
- m) *Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and watches, and the like*: One (1) space for each two hundred (200) square feet of floor area.
- n) *Single room occupancy residence*: One (1) space for each two (2) dwelling units plus one-half (0.5) space for each employee; and one (1) space for

- each one hundred (100) square feet of restaurant/lounge gross leasable area.
- o) *Theaters*: One (1) space for each one hundred (100) square feet of floor area.
 - p) *Accessory uses*: One (1) space for each three hundred (300) square feet of floor area devoted to an otherwise permissible accessory use.
 - q) *For all other non-residential uses*: One (1) space for each three hundred (300) square feet of floor area.
2. Electric vehicle charging stations: A building, commercial establishment or other property which provides automobile parking facilities shall provide parking facilities in the ratio of at least one (1) station for every fifty (50) automobile parking spaces. No more than five (5) such spaces shall be required for a parking facility.
3. Variations to reduce parking requirements may be permitted by the Director of the Bureau of Planning subject to a shared parking arrangement under the following criteria:
- a) The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
 - b) All shared parking spaces shall be clearly marked and signed as reserved during specified hours;
 - c) An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - i. A to-scale map indicating location of proposed parking spaces;
 - ii. Hours of business operation;
 - iii. Written consent of property owners agreeing to the shared parking arrangement;
 - iv. Copies of parking leases. Renewed leases shall be provided to the Bureau of Planning. Lapse of a required lease agreement shall terminate the Special Administrative permit for shared parking.

Section 16-32.024. Minimum bicycle parking requirements.

A building, commercial establishment or other property which provides automobile parking facilities shall provide bicycle/moped parking facilities in the ratio of at least one (1) bicycle/moped parking space for every twenty (20) automobile parking spaces. Multi-family developments shall provide bicycle/moped parking facilities in the ratio of at least one (1) bicycle/moped parking space for every five (5) multi-family units. No building, commercial establishment or other property shall have fewer than three (3) bicycle/moped parking spaces. Facilities shall not be required to exceed a maximum of fifty (50) bicycle/moped spaces. Bicycle/moped spaces shall be located within the street furniture zone a maximum distance of one hundred (100) feet from the building entrance, or shall be located at least as close as the closest automobile space, except for handicapped parking spaces. Each space shall include a metal anchor sufficient to secure the

bicycle/moped frame when used in conjunction with a user-supplied lock. See Section 16-28.014(6) for additional requirements.

Section 16-32.025. Pedestrian bridges.

Pedestrian bridges are prohibited when located above streets or public rights-of-way.